

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TEVA PHARMACEUTICALS USA, )  
Inc. and TEVA PHARMACEUTICAL )  
INDUSTRIES LTD., )  
)  
Counterclaim Plaintiffs, )  
)  
v. ) Civ. No. 02-1512-SLR  
) (Consolidated)  
ABBOTT LABORATORIES, )  
FOURNIER INDUSTRIE ET SANTE, )  
and LABORATOIRES FOURNIER S.A., )  
)  
Counterclaim Defendants. )

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IMPAX LABORATORIES, INC., )  
)  
Counterclaim Plaintiff, )  
)  
v. ) Civ. No. 03-120-SLR  
) (Consolidated)  
ABBOTT LABORATORIES, )  
FOURNIER INDUSTRIE ET SANTE, )  
and LABORATOIRES FOURNIER S.A., )  
)  
Counterclaim Defendants. )

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IN RE TRICOR DIRECT PURCHASER ) Civ. No. 05-340-SLR  
ANTITRUST LITIGATION ) (Consolidated)

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IN RE TRICOR INDIRECT ) Civ. No. 05-360-SLR  
PURCHASER ANTITRUST ) (Consolidated)  
LITIGATION )

## O R D E R

At Wilmington this 3d day of April, 2008, having conferred with counsel;

IT IS ORDERED that:

1. **Class certification.** Defendants may file a supplemental brief (limited to 10 pages) in opposition to plaintiffs' motions for class certification on or before **April 17, 2008**. Plaintiffs may file responses to the above (limited to 10 pages) on or before **May 1, 2008**. The court shall conduct oral argument on class certification on **May 9, 2008** starting at **1:30 p.m.** in courtroom 6B sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The class proponents (direct and indirect purchasers) each shall have 20 minutes in which to present their arguments; defendants (collectively) shall have 40 minutes in which to present their arguments.

2. **Bifurcation.** The case will proceed forward only on liability issues. All issues related to damages shall be stayed until further order of the court.

3. **Summary judgment.** The parties may file summary judgment motions related to two issues: market definition and the propriety of the patent litigations. The motions, along with opening briefs and appendices, shall be filed on or before **May 1, 2008**. Responsive briefs and appendices shall be filed on or before **May 29, 2008**. Reply briefs shall be filed on or before **June 12, 2008**. The court shall conduct oral argument on the summary judgment motions on **June 27, 2008** starting at **1:30 p.m.** in courtroom 6B sixth floor Federal Building, 844 King Street, Wilmington, Delaware. Counterclaim defendants shall have (collectively) 1.5 hours in which to present their arguments; counterclaim plaintiffs shall have (collectively) 1.5 hours in which to present

their arguments.

4. **Daubert motions.** All Daubert motions shall be filed on or before **September 22, 2008**; responses shall be filed on or before **September 29, 2008**.

5. **Pretrial conference.** A pretrial conference shall be conducted by the court in courtroom 6B on **October 6, 2008 at 4:30 p.m.**. The court does not allow motions in limine to be filed; all evidentiary issues shall be identified in the parties' proposed pretrial order, which order shall be filed with the court on or before **September 29, 2008**, along with proposed voir dire and preliminary and final jury instructions. At the pretrial conference, the court will issue a specific trial schedule with the number of trial hours allocated to each litigant group.

6. **Trial.** The court has set aside the weeks of **November 3, November 10 and November 17, 2008** for the above captioned cases to be tried to the same jury on all issues related to liability.

  
United States District Judge